

# HOUSE . . . . . No. 746

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By Mr. O’Flaherty of Chelsea, petition of Eugene L. O’Flaherty relative to exempting health care providers from civil liability as a result of administering immunizations or vaccines. The Judiciary.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand and Five.

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AN ACT RELATIVE TO IMMUNITY.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 112 of the General Laws is hereby amended by striking  
2 out Section 12C, as appearing in the 2002 Official Edition and  
3 inserting in place thereof the following section:—  
4 Section 12C. No health care provider administering immuniza-  
5 tion or vaccination under public health programs shall be liable in  
6 a civil suit for damages as a result of any defect in the immuniza-  
7 tion or vaccine or any unavoidable risk attendant upon such  
8 immunization or vaccine. Nothing in this section shall be con-  
9 strued so as to preclude the imposition of liability upon a health  
10 care provider who negligently administers such immunization or  
11 vaccine or negligently administers such immunization or vaccine  
12 or negligently acts or fails to act with respect to any side effects or  
13 other aspects of the patient’s care.